Prudence, Imagination, and Determination of Law in Alfarabi and Maimonides*

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In two of his writings, the *Attainment of Happiness* and the *Book of Letters*, Alfarabi offers one of his most shocking or revolutionary declarations: religion is an imitation of philosophy. Crudely, not to say misleadingly, one might think of philosophy as like Socrates' ideas or forms or originals and each religion as a determined or particularized version of those ideas. Like the particulars of everyday life, there is apparently an inevitable multiplicity of religions. Consequently, Alfarabi argues, as we will see later, there can be a multiplicity of virtuous religions. Furthermore, religion uses rhetorically persuasive arguments and images to make its case.[1] Because religion involves images, it is tempting to assume that it is somehow the product of the imagination. Of course, Alfarabi lives in a community that has received a divine Law. Consequently, he offers ultimately three options for the power that gives religion as the particularized version of philosophy's universals: imagination, revelation, and prudence.

Muhsin Mahdi has shown in his monumental *Alfarabi and the Foundation of Islamic Political Philosophy* that when religions are determined by the imagination, they are "pre- or subpolitical." Because the entire framework of Alfarabi's thought is political, we are not surprised to find that the truly political determination of law is achieved by prudence.[2]

Philosophy cannot provide determination because it is concerned with universals and general rules in both opinions and actions.[3] Alfarabi divides philosophy into practical and theoretical philosophy. Neither engages in determination, though practical philosophy itself, in particular the political science presented in the *Book of Religion*, grasps the power of determination that is revelation or royal craft or prudence. In so doing, political science concerns itself with prudence as a universal. That is, prudence itself can be viewed as a universal within a philosophic science. But the primary task of prudence itself is the determination of particulars. Prudence is excellent deliberation about the appropriate means given the particular circumstances.[4]

Despite philosophy's superiority to prudence, prudence appears richer to the average human eye. The prudent possess that uncanny sixth sense we expect in political men. They seem to be able to divine what is to come.[5] Here the line between imagination and prudence, between mere divination and true revelation becomes hazy. The difference between imagination and prudence can be elusive at times even for the philosopher. Over the long run, prudence by itself cannot guide itself. Only philosophy can remain focused on the highest standard. Pru-

dence left to its own devices will lapse back into mere cunning, shrewdness—or shall we say imagination?[6] Although Aristotle is at pains to locate prudence among the intellectual virtues, it is not clear what it becomes or devolves into without the guidance of either generally accepted opinion or philosophy—without being trained in ethical virtue or guided by the upward draft of the search for universals. Even generally accepted opinion, without the guidance of philosophy, may slide into the conviction that the ruler's imaginary goods constitute the city's advantage.

Students of Alfarabi and Maimonides are indebted to Leo Strauss for uncovering the great depth of Maimonides' debt to Alfarabi, especially in his prophetology.[7] Today, a perplexity has arisen in Maimonides scholarship on our theme, the determination of Law and prudence, which is closely related to prophetology.[8] The root of the problem is, unlike Alfarabi, Maimonides avoids direct reference to prudence in his main discussion of prophecy in *Guide* II 32-48. When one puts together this silence with Maimonides' tendency in the *Guide* to denigrate action so vocally in favor of contemplation, one appears to be limited to only two options for the determination of Law, namely, revelation and imagination. Those who embrace a more pious reading of Maimonides champion revelation, and those who embrace an ultra-philosophical reading champion imagination. Prudence drops out as an alternative. I refer to the latter position as ultra-philosophical because it expands Maimonides' elevation of contemplation over action into the view that action is a hardly worthy afterthought. Although my own tastes run in the metaphysical direction, I believe this view can be dangerously exaggerated. My main endeavor in this paper will be to look more closely at Maimonides' views on action, law, and the task of prudence once the Jewish community has received the divine Law. Indeed, it is tempting to suppose that for all but the humblest forms of prudence, the Law has taken the place of prudence.

Maimonides' Dilemma: Prudence or Prophecy or Imagination

The natural proximity of prudence and imagination, especially when interpreting prophecy, has sown untold confusion in the study of Maimonides. The most striking form of this confusion has been to assume that Maimonides views the imagination, not prudence, as the sole means of apprehending good and evil. As I have argued elsewhere, this view is due to the misreading of a few passages from the *Guide* as well as a tendency to read back into Maimonides views one finds in Spinoza.[9] If this were a correct reading of Maimonides, then one could ascribe to Maimonides a kind of proto-modernism.[10] I share with Howard Kreisel as well as Shem Tov Ibn Falaquera and Isaac Abravanel, however, the view that prudence plays a significant role in Maimonides' approach to good and evil just as it did for Alfarabi.[11] In addition to clarifying the relation between imagination and prudence in Maimonides, the main insight I hope to add to

Kreisel's views on prudence is clarification of *why* Maimonides downplays prudence.

The apparent justification for the view that the imagination is responsible for our grasp of good and evil in Maimonides begins with *Guide* I 2 and reaches its peak in III 13. In the first passage, Maimonides offers his interpretation of the Garden of Eden (14a). At first, Adam and Eve or "man" was concerned only with intellectual cognitions. He was not concerned with generally accepted things. When he disobeyed and inclined "toward his desires of the imagination" (*nahwa shahwâtihu al-khayâli*) and the pleasures of his corporeal senses, he was punished by being deprived of "intellectual apprehension." That is, "he therefore disobeyed the commandment that was imposed upon him on account of his intellect and, becoming endowed with the faculty of apprehending generally accepted things, he became absorbed in judging things to be bad or fine."[12] One thing the passage implies clearly is that the earlier focus on intellectual cognition proper is preferable to the subsequent focus on generally accepted things. Maimonides, like Aristotle, is quite clear in privileging theoretical or scientific (*epistemonikon*)[13] inquiry or wisdom over political action. A couple of things remain unclear. Most importantly, the exact relation between "the faculty of apprehending generally accepted things" and the "desires of the imagination" is unclear.[14] Less substantively, it is unclear how Maimonides is using the genitive of imagination here. Pines' translation assumes that he is using the subjective genitive, which could be rendered as "imagination's desires." If, however, Maimonides is using the less precise objective genitive or is simply qualifying one noun with another, he could mean something as loose as "desires connected with the imagination" or simply "imaginary desires."[15]

Leaving aside the grammatical question, those interpreters who claim that Maimonides views the imagination as the power that determines what is good and evil are rooting desire in the imagination and equating it with the faculty of apprehending generally accepted things. The question then is whether this is true, that is, whether the imagination can determine objects of desire. This line of interpretation would seem to receive support from a related passage in I 5. Amid words of warning that one should approach the inquiry into divine science with great caution, Maimonides claims, ". . . [M]an should not hasten too much to accede to this great and sublime matter at first try, without having made his soul undergo training in the sciences and the different kinds of knowledge, having truly improved his character, and having extinguished his imaginary desires and cravings (*shahwâtahu wa-tashawwuqâtahu al-khayâliyyah*)." I have altered Pines' translation in the last phrase in favor of what he admits is the more literal translation in a footnote—the less literal translation he adopted in the text proper, however, is "the desires and cravings engendered in him by his imagination." The less literal translation in I 5 seems to have been adopted because of the quite literal reading of I 2, which assumes that Maimonides somehow roots appetite in imagination. The link between imagination and desire is not presented clearly in the Arabic original, as these alternate translations suggest. Again, the decisive issue is how Maimonides understands the relation between

desire and imagination. Does he hold that the imagination determines our desires, as Pines' non-literal translation of I 5 suggests? We will return to this matter shortly.

In III 13, Maimonides engages in a complicated discussion of final causes, whose general impact is to deflate human presumptions that other beings exist for our sake. He resists the view that parts of the whole exist for the sake of other parts. In this spirit, he notes that when the Torah speaks of good and evil it does so according to "the language of the sons of man." In particular he claims, "And good [*tov*] is an expression applied by us to what conforms to our purpose." Once again, this passage could seem to suggest that Maimonides uses good as a subjective project of the human imagination.[16] His closely connected deflationary treatment of evil in III 12 contributes to the impression that good and evil are imaginary or subjective. Here I cannot spare the space to discuss Maimonides' views on final causality, evil, and the subjective or objective character of goods to show that his views are far more in keeping with Aristotle than with Spinoza.[17] The crucial issue remains the same. Does Maimonides hold that the imagination determines our desires?

Despite Maimonides' reference to "imaginary desires" or even "desires of the imagination," he does not view the imagination as the cause of desires. I believe he implies a denial of this claim in the second chapter of his *Eight Chapters*.[18] There he presents quite subtly the different views of action—disobedience to law and virtue and vice—in the Law and according to the philosophers. According to the Law, the sentient part and the appetitive (or desiring) part are the sources of obedience and disobedience. According to the philosophers, the appetitive part alone is the cause of action, not the sentient part, which is merely a servant of the appetites. The Law's attribution of responsibility, in part, to the sentient part accounts for its greater asceticism than philosophy. More importantly for us here, the Law and the philosophers agree that neither the nutritive nor the imaginative part can be said to obey or disobey. Evidence: Both of these powers are active in sleep and beyond the control of opinion (*ra'y*) or choice (*ikhtiyâr*). As has often been observed, when it comes time for Maimonides to identify prudence as an intellectual virtue in this chapter of *Eight Chapters*, he does not mention it. We will consider the significance of this omission as well as other treatments of prudence, tacit and otherwise, momentarily. For now, however, it is worth considering the crucial role of choice. Maimonides' account is quite traditionally Aristotelian, as was his more immediate model for such an Aristotelian treatment, Alfarabi in the *Selected Aphorisms*.[19] The philosophers hold choice and appetite responsible in action. To be precise, choice (*proairesis*)[20] is a combination of appetite and deliberation.[21] So far, we have no reason to suspect that Maimonides departs from this Aristotelian account of desire or appetite and its relation to good and evil and imagination's lack of responsibility in determining what we hold good or evil.[22]

Despite Maimonides' lack of explicit reference to prudence in chapter two of *Eight Chapters*, we may add to his reference to choice there an obvious allusion to prudence, as the power of deliberating well, at the end of chapter one.[23]

Having divided the soul into Aristotle's five parts, Maimonides turns last to the rational part, which he divides along the lines of its theoretical and practical activities.[24] Within the practical he distinguishes between the productive use in the arts and the reflective or calculative (*fikrî*) use in human affairs. The latter form of reason is the power by virtue of which we "deliberate" (*rawiyya*) about the fitting means, which, of course, when used in accordance with ethical virtue is none other than prudence—though, once again, Maimonides does not use the term "prudence" (*ta'aqqul).*

Aside from possible echoes of Alfarabi's initial treatment of intellectual virtues, there is an obvious reason for the meagerness of Maimonides' allusions to prudence in *Eight Chapters*, not to mention the *Guide*. Even more explicitly than the *Guide*, *Eight Chapters* is presented as a training manual in prophecy.[25] In such a manual, and especially in a chapter like chapter two where disobedience and obedience to the Law is discussed, a danger exists that the authority of the Law should be undermined. If human beings possess within them the power to determine the fitting action, namely, prudence, then there is some reason to doubt the necessity of obedience to the Law.[26] The extent of this danger, and thus the reason for Maimonides' practiced downplaying of the role of prudence, is evident in the most pious interpretation of his silence about prudence. Unlike the radical and instructive, if incorrect, interpretation that his silence indicates the central role of the imagination in determining good and evil, the pious interpretation suggests that Maimonides' silence is meant to supplant Aristotelian prudence with the Law.[27] Once we have clarified what Maimonides means by "imaginary desires," it will be easier to explain his understanding of the proper relation between prudence and imagination as well as prudence and the law. Unfortunately, we must first set forth the evidence that seems to confirm the pious interpretation of Maimonides' silence about prudence.

Maimonides' silence about prudence in particular, if not reason in general, in his most extended and sophisticated treatment of prophecy, *Guide* II 32-48, is deafening. It almost goes without saying that I cannot survey the entirety of that terrain here, especially not merely to highlight the absence of references to prudence. The presence of references to the imagination, especially in II 36-38, would seem at first glance to lend some credence to the radical interpretation that imagination determines good and evil. Above all, the quasi-Avicennian account of prophecy in II 38 (83a) could seem to support this thesis, but the role of imagination is denigrated throughout the rest of II 38. Furthermore, the classification of kinds of prophecy in II 37 (81a-b) suggests that the imagination (without the guidance of reason) contributes only to the "imaginary desires" of "the legislators, the soothsayers, the augurs, and the dreamers of veridical dreams." What contribution imagination makes here is again left unspecified. Of course, Maimonides contrasts the true legislator of the divine law in II 40 with legislators somehow guided by the imagination. The defining feature of true legislation is that its purpose is the perfection of the speculative use of the rational faculty among adherents of the law. Even the casual reader of the *Guide* realizes that the true legislator receives overflow to his reason alone (Moses) or to his reason and

then his imagination (II 36). Yet Maimonides never clarifies in what capacity reason is involved in the activity of legislation, as opposed to the purpose true legislation must serve. He leaves it ambiguous.[28] Be that as it may, if there is anything of worth in the imaginative prophecy of lesser legislators, it is evident only in veridical dreams. That uncanny capacity to anticipate the future that not only the prudent but also the merely cunning may possess may be the product of the imagination. This aspect of what could, if adequately supplemented, become prudence is further discussed and developed in II 38, where it is referred to as "divination," not imagination—perhaps because it is a power at work not only in all human beings, especially prophets, but also most shockingly Moses.[29] Leaving aside the role of imagination and the ambiguous treatment of reason in *Guide* II 32-48, this section could seem to support the pious interpretation.

Chapter 14 of the *Treatise on the Art of Logic* seems at first glance to confirm the pious interpretation.[30] Maimonides takes an inventory of the parts of political science along the lines of the governance of the individual, the household, and the city. We may assume he has in mind a similar subdivision of prudence into the power that guides individual, household, and city. Why? Although he does not make any explicit mention of prudence here, we may assume he has it in mind[31] because he opens the chapter with the division of reason or *logos* or *mantiq* into its theoretical, practical, and productive activities—the very same Aristotelian division he uses in chapter one of the *Eight Chapters*. He implies thereby that "distinguishing the base and the noble" is not a matter of imagination but of reason in its practical activity, namely, prudence. After thus dividing political science and by implication prudence, however, he concludes in a way that could be misinterpreted to cancel out not only prudence but also the practical philosophy or political science of the ancients altogether. Although the philosophers wrote books about fashioning laws and regimes, "in these times all that—I mean, the regimes and the nomoi—has been dispensed with, and people are governed by divine commands." Of course the pious interpretation would emphasize Maimonides' apparent canceling out of political science and, above all, prudence. The Law takes the place of prudence. A less pious interpretation would wonder whether the situation Maimonides describes in the early *Logic* is meant to describe how matters should be or how they are when he appears on the scene. The latter seems more plausible and like a situation he might want to alter. To decide this matter definitively, one would have to clarify his view of his procedures in writing the *Commentary on the Mishnah*, the massive *Mishneh Torah*, and the *Guide*. Was Maimonides merely clarifying Judaism's own self-understanding in the first two works or enhancing it with the aid of the philosophic sciences, including perhaps above all political science? What does the *Guide* mean by the true science of the Law, if not a science informed by political science? As Maimonides himself indicates in the opening of the *Guide*, it is not merely a clarification of Jewish *fiqh* or *talmud*.[32]

For our purposes here, we may begin to clarify Maimonides' understanding of the relation between prudence and the Law by recalling how Maimonides defines a divine law in *Guide* II 40. The wider context of II 40 is significant for

its proper interpretation. II 39 concludes with a clear condemnation of the ravings of the Sabians and an ambiguous slighting of the nomoi of the Greeks, echoing the ambiguous conclusion of the *Treatise on the Art of Logic*. By itself this passage would seem to confirm the pious interpretation. Today, we dispense with the nomoi because they are "due . . . to the action of groups of rulers who were not prophets." The careless but "natural" reading here would be that all pagan nomoi are as such non-prophetic or due to overflow to the imagination alone. Yet recollection of II 36 and 37 would suggest otherwise in the case of the nomoi of Plato, for example. In II 37, overflow is said to reach the rational faculty in the "class of men of science engaged in speculation." Admittedly, speculation narrowly conceived would not seem to produce nomoi. Yet to return to II 40, the distinctive feature of divine law, that it is devoted to perfection of the rational faculty, would seem to be at least as characteristic of Plato's nomoi as of the Mosaic Law.[33]

Having cast doubt on the interpretation that removes prudence from Maimonides' understanding of determination of the Law, we need to clarify the meaning of "imaginary desires." In doing so, we keep in mind another significant claim of *Guide* II 40: Lesser legislation aims at the fulfillment of bodily desires. Divine overflow reaches the imagination of the lesser legislator, not the intellect, in such legislation. Does this mean that the imagination determines our or the legislator's desire for bodily goods? Appetite alone would seem to be sufficient for the determination of such desire. At best, the imagination flows uncontrollably as it would. Rather than determine our bodily desires, imagination merely offers possible ways and means of satisfaction. (Once again we are reminded of the kinship of mere cunning or shrewdness to such a capacity of imagination.[34]) Maimonides seems to mean by "imaginary desires," then, little more than base desires or desires whose fulfillment cannot constitute happiness.[35] Bad legislators cultivate or inflame their inhabitants' pursuit of bodily goods. They neglect the perfection of the rational faculty. Imagination does not produce or determine these desires; it merely offers means of satisfaction. Finally, with the aid of the imagination and at the behest of our appetites, we imagine that through the fulfillment of these desires we will achieve happiness.

With a clearer sense of what Maimonides could mean by "imaginary desires," we are now poised to address the relation between prudence and imagination and prudence and the law. We begin with the latter pair. Of course, for Maimonides, prudence does not replace the Law. Similarly, for Aristotle, prudence does not replace law. Rather, law in the broadest sense seeks to cultivate ethical virtues. Aristotle views law-abidingness in this comprehensive sense as complete, if qualified (ethical), virtue.[36] Of course, complete ethical virtue is impossible without prudence and vice versa.[37] Yet one aspect of law in particular is relevant to the cultivation of ethical virtue and prudence, namely, the legislator's exhortation to virtue. The punitive aspect of law is primarily of relevance only to those who feel no shame in acting viciously.[38] In the exhortation to virtue, rhetoric and poetry, as Alfarabi, like Plato, has taught so well and extensively, play a central role. Here, we can begin to see a link between prudence,

law, and imagination. The gap between the high aims of the divine law and the baser aims of most human beings requires the use of images to bridge the gap.

For most human beings, the cognition of philosophic universals lacks the richness of our imaginative life. We are impressed by the heroism of prudent rulers as well as their uncanny anticipation of future events in a way we cannot be impressed by philosophic insight. Ethical virtue lends itself to popular dramatic presentation; intellectual virtue lends itself at best to the subtlety of Platonic drama. Even if we devote our lives to the pursuit of pleasure and wealth, we can muster some appreciation for the honorable actions of the ethically virtuous. We are unlikely to muster similar appreciation for Socrates unless we have already developed a questioning attitude toward honor.

Similarly, the general or universal presentation of divine science at the end of Alfarabi's *Book of Religion* leaves even a sophisticated reader unmoved in comparison with the greater determination of the opening sections of the *Virtuous City* and the *Political Regime.*

Toward the beginning of this paper, Mahdi's "Political Philosophy and Religion" enabled us to see that prudence rather than imagination plays the decisive role in determining the Law or *milla*. Yet every reader of Alfarabi knows well that Alfarabi presents religion as an image of philosophy. When Alfarabi the philosopher writes works like the *Virtuous City* and the *Political Regime* in which the philosophic truths of the *Book of Religion* are determined, what is the role of prudence and of imagination in this process of determination? Because religion is said to be an image of philosophy, we are prone to leap to the conclusion that philosophy yields universals and the imagination particularizes them. It appears, however, that for Alfarabi prudence must play a significant role in this process of determination.

Let us consider an example. In the *Book of Religion* (sect. 19) the highly generic philosophic account of divine science begins from the most inferior things in the world and ascends through ranks to the being that is one. This very brief sketch follows the procedure of the philosophic sciences. Like Aristotle's *Metaphysics*, it begins not with God but with physical beings because these beings are first for us. In contrast, where does the *Virtuous City* begin? It begins with the First Cause or God.[39] Such a beginning is a highly theological or religious beginning, as casual reference to the Bible will attest.[40] Whether Alfarabi's God is truly synonymous with the God of revelation is open to debate. The God or First Cause of the *Virtuous City* initiates a process of emanation, which may or may not have a temporal beginning. The account in the *Virtuous City*, though it may not be especially vivid in its imagery, has left many especially a modern interpreter of Alfarabi with the impression that he is a devout Muslim. Of course, Alfarabi was attacked by Alghazali for his impiety. Be that as it may, one thing is certain: The opening of the *Virtuous City* as a determination of the truths of philosophy is evidence of more than a feat of Alfarabi's imagination. The author has exercised prudence in selecting an opening that, at a minimum, suggests creation. I do not mean he has exercised prudence merely with an eye to his own well-being; I also mean he has exercised prudence with

regard to the well-being of his community. Especially if Alfarabi were to hold that the Aristotelian account of the whole is correct, it would be imprudent for him to offer a determined account wholly incompatible with creation. A simple rehearsal of Aristotelian divine science in the opening of the *Virtuous City* would have been incompatible with creation.

In his own way, Maimonides follows the lead of Alfarabi. The closest thing to a determined presentation of the truths of divine science in the Maimonidean corpus is surely the very opening of his Code, the *Mishneh Torah*. Like Alfarabi in the *Virtuous City*, Maimonides begins his account in a theological key with the First Cause.[41] He speaks of God as being the necessary cause of all other contingent beings, alluding to the Avicennian necessary existence argument. In the *Book of Knowledge*, the first volume of the Code, Maimonides could not begin fittingly with physical beings, as Aristotle does, and then reason his way back in philosophic fashion to the existence of God. At the same time, it must be acknowledged that Maimonides opens in a fashion more compatible with philosophy than many would hope. As he argued in *Guide* I 71 (97a-b), in his legal compilations, especially the *Mishneh Torah*, he finds it incumbent upon himself to begin with the assumption of eternity of the world because to do otherwise is not to prove but to assume the existence of God. Imagination alone could not guide the determination of Law or *milla* evident in the opening of the *Virtuous City* and the *Mishneh Torah.* One can question whether Alfarabi and Maimonides gauged the requirements of prudence properly; however, I do not believe one can doubt their reliance upon prudence in their selection of the fitting imagery for conveying the truths of philosophy in the garb of determination. In using the appropriate imagery, the philosophic legislator is able to bridge the gap between the average adherent's base or "imaginary" desires and the high aims of divine law.

Prudence and Endoxa; Imagination and False Opinion

One of the greatest sources of the confusion between imagination and prudence is the tendency to confuse the object of prudence, namely, generally accepted opinion (Gr., *endoxa*; Ar. *mashhûrât*)[42] with merely imaginary and false opinions. There are a number of reasons for this. The most obvious can be dealt with very briefly. It almost goes without saying that some generally accepted opinions in some communities at some times are fundamentally misguided. Leaving this aside, first, Maimonides' tendency to denigrate practical in comparison with theoretical matters seems to imply the falsity or subjectivity of practical matters. Second, generally accepted opinion certainly does not rise to the level of the universally or eternally true. Third, it is easy to confuse being "generally accepted" with being merely "conventional." Fourth, it is tempting to assume that because practical matters are merely means to higher things, especially the contemplative life, they are merely subjective. Fifth, because prudence is concerned

merely with means it is tempting to suppose the end is determined by nothing but unquestioned traditional beliefs. Sixth, sometimes imagination, like misguided reason, can mislead us in matters of opinion that have some, though only indirect, bearing on action.

First, Maimonides' treatment of practical matters as lower in rank than theoretical truth does not imply the mere subjectivity of practical affairs. Maimonides' verifiable tendency to denigrate practical matters, I believe, is just a more exaggerated version of Aristotle's verifiable tendency to denigrate prudence, politics, or the political life in comparison with *theoria* or wisdom.[43] Yet no one, to my knowledge, would claim that Plato and Aristotle view good and evil, noble and base as mere objects of the imagination. Why Maimonides should be more outspoken than Aristotle about the superiority of speculation may have a significant amount to do with their differing contexts. Writing after Plato, who exercised little restraint in praising the philosophic life, Aristotle seems to have been concerned that he should cultivate and nourish politics and political virtues. Aristotle's choice to narrow the meaning of *phronesis* to the prudent grasp of particulars, especially of political actors (as well as all of us in private life and in households), seems to have been meant to identify a kind of reason peculiar to politics, as opposed to philosophy or wisdom. Although Greece might have tended to generate a superheated philosophic atmosphere, the Jewish tradition tended in the opposite direction. The Jewish stress on action was so profound that Maimonides had to go to great lengths to argue for and attempt to establish the primacy of contemplation.[44]

Second, generally accepted opinion does not rise to the level of the universally or eternally true. Although this is true, precious little, according to Aristotle, qualifies as universally or eternally true. Indeed, only issues of divine science or metaphysics could perhaps rise to that level.[45] Even the realm of physics concerns what is true merely "for the most part."[46] Of course, politics in general and ethics in particular are not physics. At the same time, Aristotle does rely on an interrogation of *endoxa* as the dialectical moment of his inquiry into physics as well as politics. Presumably, *endoxa* about the true and false in natural science can be sorted out and clarified in a way that the good and evil of politics cannot, but we must never forget how staunchly anti-mathematical are both Aristotle's physics and metaphysics.[47] We should not imagine that Aristotle, or Maimonides for that matter, ever appeals to anything like the modern distinction between primary and secondary qualities or objective and subjective. Neither relies, as modern thinkers do, upon the quantifiable as the measure of the knowable.[48] Modern interpreters are prone to infer that Maimonides views the *mashhûrât* as merely subjective in part because of the overlap between what is contained in the *mashhûrât* and the most obviously subjective realm in much of modern thought, aesthetic taste.[49] The key problematic terms here are the highly flexible *jamîl* or *hasan* and *qabîh*, which like their key Greek equivalents *kalos* and *aischros* can be translated as noble or beautiful and base or ugly. When Maimonides argues in *Eight Chapters*, chapter 5 for the value of viewing beautiful (*hasan*) things when depressed, he is obviously using it in the merely aes-

thetic sense. When he identifies the *hasan* and *qabîh* in his discussion of the Garden of Eden in *Guide* I 2 as *mashhûrât,* and therefore outside the concern of the intellect, his focus seems to be primarily ethical. Unfortunately, the nakedness of Adam and Eve lends itself to some confusion of the ethical and the merely aesthetic in that passage. Similarly, in the *Logic*, chapter 8, he alludes to the Garden by using the *qabîh* of naked genitals (in an obvious allusion to the human attitude to nakedness subsequent to the Garden) and the *jamîl* of gratitude to exemplify the merely *mashhûrât.* True, here Maimonides admits the existence of disagreement between nations about the *mashhûrât.* Does this mean he views the noble and base, if not the merely beautiful and ugly, as subjective or merely conventional, to turn to our third point?[50]

Third, the conflation of being generally accepted with being merely conventional is crucial.[51] Our somewhat technical argument about the relative status of the imagination and prudence in the determination of Law dealt indirectly with this central issue of political philosophy. One of the clearest pieces of evidence we have that Maimonides does not leave good and evil, noble and base up to the imagination alone is evident in what may be his final allusion to the Garden in the *Guide*, III 8 (13b).

> As for gatherings with a view to drinking intoxicants, you should regard them as more shameful than gatherings of naked people with uncovered private parts who excrete in daylight sitting together. The explanation of this is as follows: Excreting is a necessary thing that man cannot refrain from by any device whatever, whereas being drunk is an act committed by a bad man in virtue of his free choice. The disapproval of the uncovering of the private parts is a generally accepted opinion [*mashhûr*], not a thing cognized by the intellect, whereas the corruption of the intellect and of the body is shunned by the intellect.

Maimonides indicates that the choice to perfect the intellect, and one of the means to it, remaining sober, is not a matter of true or false but of good and evil. The choice of the theoretical life itself is a question of political philosophy rather than theoretical philosophy narrowly conceived. Indeed, this passage's claim that the intellect shuns drunkenness cannot be a reference to theoretical intellect; it must be an oblique reference to practical intellect or prudence. Admittedly, Maimonides here denigrates his usual paradigm of what is merely base, naked genitals, according to generally accepted opinion vis-à-vis preserving the body and intellect. But he merely implies thereby that he follows both Plato and Aristotle in privileging what is good over the noble or beautiful.[52] Yet this should not be construed to mean that he views the generally accepted view of nakedness as merely subjective or imaginary.

I do not mean to pronounce here on the popular topic among Maimonidean scholars whether the *Guide* is more or less ascetic than the *Eight Chapters* and whether this means Maimonides intends a more ascetic teaching for the contemplative few.[53] I merely wish to clarify the relation between the "generally accepted" and the merely conventional. Of course, Maimonides is renowned for

rejecting the view of proponents of rational or natural law that there exist universal rules of action, and for advocating the view that law is merely "generally accepted."[54] We must not forget, however: although generally accepted beliefs are merely probable rather than universal,[55] they have a presumably higher status for Maimonides than the more traditional or merely conventional laws with which he contrasts them.[56] This may seem like a too finely grained distinction. After all, all of the commandments even the most strictly conventional ones have some political utility. Yet when one considers the amount of weight borne, in more ways than one, by various commandments such as those restricting illicit sexual relations, perhaps one can appreciate how much is at stake in making such distinctions.[57]

Fourth, because practical matters are merely means to higher things, especially the contemplative life, it is often supposed that they are merely subjective.[58] The instrumental character of practical matters need not render them subjective. It does mean, however, they lack the kind of finality the political man might hope for. Aristotle's politically active *phronimos* believes that the noble sacrifices he makes for the city are the ultimate end of the city or the most noble and divine kinds of activities in the city.[59] Yet by the end of that same work and the beginning of another, Aristotle claims that the most honorable activity is the theoretical contemplation of the most honorable beings.[60] Aristotle prevents the reader from becoming too aware of this disturbing fact by arguing throughout the first half of the Ethics as if the political life really were an end in itself.[61] Above all, the instrumental view of practical affairs is present throughout Plato, Aristotle, and Alfarabi. We should not be surprised to find it in Maimonides. It may be essential to the nature of a hierarchical account of human life that activities of a lower rank should be treated as instrumental to those of a higher rank.[62]

Fifth, because of the instrumental role of practical matters, we should not be surprised that prudence is excellent deliberation merely about fitting means.[63] Is there no connection between the choices of the prudent man and fitting ends? Are those fitting ends merely unquestioned traditional beliefs? Of course, for the average adherent of the Law, even of the Law as conceived by Maimonides, there is no necessity that he should understand the causes of the hierarchy of ends Maimonides establishes. He need only believe in that hierarchy of ends, like Aristotle's doctor who takes it for granted that his task is curing the sick, not killing them—though he could do that just as proficiently. After all, the Law like Aristotle's ethics does not consider knowledge of the causes of good governance as its primary task.[64] Such knowledge is only for the rare exceptions, those who must bear the burden of legislation.[65] That many ethically virtuous people cannot justify the ultimate ends they serve or pursue does not mean their ends are determined ultimately by imagination or even necessarily only received tradition—though they may be led to those ends *by means of* mere images.[66]

Sixth, the imagination is only indirectly connected to action by way of opinion. Maimonides often expresses his dismay with the *mutakallimûn* for their grave distortions of reality. If one believes, as some *mutakallimûn* do, under the spell of imagination that there are no limits to what is possible, then one cannot

grasp the "nature of existence."[67] Such mistaken opinions, whether induced by the imagination or a misstep of reason, are not *themselves* mistaken actions.[68] As a result of such an opinion or imagining, one might, for example, mistakenly not believe God exists and is one. Surely, this might facilitate immoral action. Yet neither imagination nor reason in this scientific or theoretical capacity is itself an action.[69]

Alfarabi's Multiple Determinations vs. Maimonides' Singular Determination

In spite of my efforts to connect Maimonides' approach to determination to Alfarabi's, an obvious divergence between Alfarabi and Maimonides remains. Among those who are aware of their existence, Alfarabi may be as famous for his claim that there is a multiplicity of virtuous religions as Maimonides is for his concerted defense of Judaism. This divergence is related to Maimonides' silence about the role of prudence. He is silent because to be otherwise might weaken the authority of the Law. For revelation in the strict sense to be possible, God must be omnipotent. For God to be omnipotent, He must be one. Consequently, there should be one and only one true religion. Now revelation in the strict sense in Judaism means the omnipotent God revealed His Law to Moses. Such a Law should not require the aid of merely human prudence, at least not for anything beyond the equitable application of the Law. Merely human prudence could not enter into the prophet's reception and transmission of revelation. But if this is so, the Maimonidean account of prophecy should not be so similar to the philosophic account of prophecy.[70]

In contrast to revelation in the strict sense, in the political treatment of revelation merely human prudence must intervene in the determination of the *milla.* As soon as one descends from the uniform truths of philosophy to determination of religion, one descends from the universal community of wise men to the multiplicity of virtuous religious communities.

> Most men, either by nature or by habit, are unable to comprehend and cognize [the principles of the beings]; these are the men for whom one ought to represent [*tukhayyal*] the manner in which the principles of the beings, their ranks of order, the Active Intellect, and the supreme rulership exist through things that are imitations of them. Now while the meanings and essences of those things are one and immutable, the matters by which they are imitated are many and varied. Some imitate [*muhâkâh*] them more closely, while others do so only remotely—just as is the case with visible objects: for the image [*khayâl*] of man that is seen reflected in water is closer to the true man than the image of a representation [*khayâli timthâl*] of man that is seen reflected in water. Therefore, it is possible to imitate [*tuhâkâ*] these things for each group and each nation, using matters that are different in each case. Consequently, there may be a number of virtuous nations and virtuous cities whose religions are different, even though they all pursue the very same kind of happiness.[71]

Although this Alfarabian understanding of revelation would seem antithetical to Maimonides' stalwart defense of Judaism, the closing lines are not wholly antithetical to his conception of divine law in *Guide* II 40. Put differently, that divine law aims, above all, at the cultivation of speculative reason does not seem peculiarly Jewish.

Leo Strauss has spurred us on to wonder how different Alfarabi and Maimonides really are, in spite of their dramatically different rhetoric. In the course of his "Restatement on Xenophon's *Hiero*," he argues that all philosophers find it incumbent upon themselves to engage in what he identifies variously as "defense of philosophy before the tribunal of the city," "political action on behalf of philosophy," and "philosophic politics." Just as Plato did this in the Greek city, Cicero did in Rome, and so "it was done in and for the Islamic world by Fârâbî and in and for Judaism by Maimonides." Strauss contrasts this philosophic politics with "the efforts [the philosopher] might or might not make to contribute toward the establishment of the best regime." Philosophic politics, it appears, remains constant—though, of course, philosophers might also disagree about some of the means of philosophic politics—whereas the philosopher's efforts toward the best regime are especially dependent upon time and place. Those who conflate philosophic politics with a philosopher's political entanglements, like Kojève, often believe that for philosophy to remain viable it must achieve the best regime. Leaving aside the dubiousness of achieving the best regime, Kojève overstates philosophy's dependence upon politics for its own fulfillment—with potentially disastrous consequences for both politics and philosophy.[72] If Strauss is correct about Alfarabi and Maimonides, the primary basis of their different determinations of law is their different assessments of the prospects and need for bringing their own societies toward the best regime in their different times, places, and religious communities.

The most natural objection to the line of interpretation I have adopted is that what I am calling Maimonides' singular determination of the Law is not a determination at all but his mere clarification of the tradition he receives—a possible line of interpretation I alluded to earlier. After all, how can there be merely one determination, application, or particularization of a general or universal teaching? With the example from the opening of the Code, I have already given some evidence that Maimonides is not merely clarifying Jewish jurisprudence but appears to be accommodating philosophic inquiry to the Jewish setting. Yet one cannot help but wonder whether Alfarabi's willingness to claim that there exists a multiplicity of virtuous determinations of philosophy is not somehow more philosophic than Maimonides' unflinching defense of Judaism.

We must step outside of Maimonides and Alfarabi briefly to find our way in comparing them. Let us return to Strauss's *Persecution and the Art of Writing*, specifically his essay on Yehuda Halevi's *Kuzari*. The *Kuzari* is a dialogue between a king who is considering conversion to Judaism with a variety of interlocutors including a philosopher. Although or perhaps because this essay clarifies the underlying animus of Halevi's opposition to philosophy, Strauss takes

the opportunity to reveal in an unprecedented way the options open to the philosopher in his relation to the religion of his community. Strauss claims that according to the *Kuzari*'s philosopher . . .

> a man who has become a philosopher would choose one of these three alternatives: 1) to be indifferent as to manner [sic] of his worship and to his belonging to this or that religious, ethnic or political group; 2) to invent for himself a religion for the purpose of regulating his actions of worship as well as of his moral guidance and the guidance of his household and his city; 3) to take as his religion the rational *nomoi* composed by the philosophers and to make purity of the soul his purpose and aim.[73]

Strauss draws these three options from the philosopher's recommendations to the king about the options open to a king who becomes a philosopher (the quasi-miracle of the *Republic*). In the *Kuzari*, as Strauss notes, the first of these three alternatives is subdivided into a) continuing in one's ancestral religion or b) adopting an existing religion. Neither the philosopher in the *Kuzari* nor Strauss claims the three primary alternatives must necessarily be mutually exclusive. Strauss then clarifies a version of 1a, perhaps the most typical philosophic approach to religion. He contrasts the approach of Enlightenment philosophers, who stridently announce their religious indifference, with that of the typical medieval philosopher, who, for example, "denies Divine revelation, adheres to Islam . . . and therefore, if an emergency arises, defends that faith which he cannot but call the true faith, not only with the sword, but with arguments, viz., dialectical arguments, as well." This version of 1a is typical as a form of "philosophic politics" or defense of philosophy. I believe the third alternative, adopting the rational *nomoi* of the philosophers, is more to be expected as part of an effort to draw a society toward the best regime. This alternative runs the risk of displaying its philosophic colors too prominently for the success of the philosopher's defense of philosophy. Now, what would be a better way of combining the tasks of philosophic politics and, if possible, drawing one's society toward the best regime than to mix the first and third alternatives? *Guide* II 40 may be evidence that Maimonides combines alternatives 1a and 3. Avicenna, for example, is a paradigm case of 1a. Alfarabi's views on the multiplicity of virtuous religions may not have been an adequate approximation to 1a to be a rhetorically convincing position. He seems quite sympathetic to the third alternative—though he did far less in action to draw his community closer to the best regime than, for example, Averroes or Maimonides. Indeed, the freedom with which he praised philosophy as the original for religion's imitation may have been too bold a claim for a philosopher in a world dominated by the revealed religions.

Lest we become lost in the interpretive possibilities of these three alternatives, we must focus on Alfarabi and Maimonides. The crucial issue is that Maimonides' devotion to the religion of his own community, far from being unusual, may be far more the norm for a philosopher than Alfarabi's approach. Indeed, today's reader of Alfarabi and Maimonides cannot help but wonder

whether Maimonides' approach would not be the far more prudent one. It is undeniable that in the history of thought Maimonides has played a more prominent role than Alfarabi. Despite the Maimonidean Controversies surrounding the *Guide*, Maimonides remains a towering authority within Judaism. Alfarabi is not widely known within the Islamic world or outside it. It is quite difficult to know whether Alfarabi's modifying his philosophic politics would not have extended his influence. Might the Alghazalian attack on philosophy have been avoided had Alfarabi approximated more closely to Maimonides' approach to the religion of his own community? Might philosophy, especially political philosophy, have been sustained in the Islamic world after Averroes had the Mongols not sacked Baghdad in 1258? These questions we cannot answer definitively.

I believe we can get a better handle on why Alfarabi adopted his approach, however, if we consider what might have happened had he adopted the Maimonidean approach. If Alfarabi had sought to defend Islam without any deference to the virtue of other religions, he might have contributed to religious strife with Christendom, both eastern and western. Although the center of the Islamic community in the middle of the tenth century was weakening, efforts to inspire a return to a more unified and expanding empire could have inspired religious strife. Indeed, Alghazali's brand of zeal in the name of Islam seems to have contributed to the rise of religious extremism in the Maghrib in the eleventh through thirteenth centuries. And the high level of religious fervor of these centuries seems to have required especially intense and direct involvement in politics of Andalusian philosophers like Ibn Bajja, whether to draw their communities closer to the best regime or merely to prevent a slide into a society wholly inhospitable to philosophy may be difficult to determine. In contrast, Maimonides' stalwart defense of Judaism never ran a noticeable risk of inspiring significant religious conflict. The relative smallness and weakness of the Jewish community prevented that. If anything, Maimonides took advantage of these factors to redouble the community's efforts in other, more speculative directions. True, his defense of Judaism, as it was developed in the Code, included significant accommodation for a renewed nation in the land of Israel and presented a less miraculous and more political account of the restoration of kingship to (or the appearance of a Messiah in) Israel than was traditional in rabbinic Judaism. Nevertheless, Maimonides did not encourage a purely human restoration of the people Israel to their ancestral homeland, as did Spinoza.

Notes

*This paper could just as easily or perhaps more tellingly be entitled "Prudence, Imagination, and Determination of the *Milla* . . ."—where *milla* means "religion or religious community." It receives its inspiration from Muhsin Mahdi's paper on Alfarabi's *Kitâb al-Milla* (*Book of Religion*) called "Political Philosophy and Religion." This paper ap-

pears as the fifth chapter of Mahdi's *Alfarabi and the Foundation of Islamic Political Philosophy* (Chicago: University of Chicago Press, 2001).

Although it would not seem to be the last paper Mahdi wrote toward this volume, "Political Philosophy and Religion" is the only paper in the volume not previously published elsewhere. It is the lynchpin of Mahdi's unprecedentedly comprehensive and accurate interpretation of Alfarabi. It was presented in a public lecture in Paris on June 6, 1995 at the Institut du Monde Arabe.

1. For a version of the Arabic text of the *Attainment of Happiness*, see *Tahsîl al-Sa'âdah*, ed. Jafar al-Yasin (Beirut: al-Andaloss, 1981); English translation and important notes to the Arabic text by Mahdi in *Philosophy of Plato and Aristotle* (Ithaca: Cornell University Press, 1969). For the relevant passage, see *Attainment of Happiness*, trans. Mahdi, sect. 55; ed. Yasin, 90-91. For the Arabic text of the *Book of Letters*, see *Kitâb al-Hurûf*, ed. Mahdi (Beirut: Dar al-Mashriq, 1968); an English translation of the second part is forthcoming in Charles E. Butterworth's series of translations entitled *Alfarabi: the Political Writings* (Ithaca: Cornell University Press). For the relevant passages, see *Kitâb al-Hurûf*, ed. Mahdi, sect. 108, 143-144.

2. *Alfarabi and the Foundation of Islamic Political Philosophy*, 159-161.

3. *Alfarabi and the Foundation of Islamic Political Philosophy*, 103 and see *Enumeration,* Amîn ed., 104**,** Butterworth trans., 78; *Book of Religion*, sect. 15. For the Arabic texts and English translations of both the *Enumeration of the Sciences* and the *Book of Religion*, see *Kitâb al-Milla wa-Nusûs Ukhrâ*, ed. Mahdi (Beirut: Dar al-Mashriq, 1968) and Butterworth's translations in *Alfarabi: the Political Writings: "Selected Aphorisms" and Other Texts* (Ithaca: Cornell University Press, 2001).

4. *Book of Religion*, sect. 18; *Selected Aphorisms*, sects. 38-53, esp. 39, 41, 51. See *Abû Nasr al-Fârâbî, Fusûl Muntaza'a* (Selected Aphorisms), ed. Fauzi M. Najjar (Beirut: Dâr al-Mashriq, 1971) and Butterworth's translation in *Alfarabi: the Political Writings: "Selected Aphorisms" and Other Texts*.

5. *Republic* 514a-516e; *Guide* II 38.

6. Although it is true that Aristotle gives ethics as a part of political science a degree of autonomy from metaphysics or theoretical philosophy in general, it is also true that prudence or politics has a tendency to fall back into conventionalism when left to itself. Aristotle's uneasy arrangement, in which the worse, prudence, appears to rule the better, wisdom, is only possible as long as prudence rules for the sake of wisdom (*Nicomachean Ethics* 1145a5-12). Prudence without the guidance of philosophy lapses into Thrasymacheanism; prudence with such guidance, however indirect, need not have such a lapse (cf. *Republic* 338c1-339a4 and 518b6-519a5).

7. I cite only the two most obvious of Strauss's texts establishing the connection between Alfarabi and Maimonides. Strauss, *Philosophy and Law*, trans. Eve Adler (Albany: SUNY Press, 1995), esp. chs. 2 and 3; *Persecution and the Art of Writing* (Chicago: University of Chicago Press, 1952, 1988), esp. intro. and ch. 2.

8. The relation between prudence and prophecy is not merely a medieval question. To appreciate its continued relevance for early modern political philosophy, see Hobbes' *Leviathan*, especially ch. xiii and Locke's *Reasonableness of Christianity*.

9. See my unpublished article, "Are Alfarabi and Maimonides Precursors to Spinoza and Kant?" part B, sect. 3.

10. As I explain in my "Precursors" article cited above, Warren Zev Harvey, in "A Portrait of Spinoza as a Maimonidean," *Journal of the History of Philosophy* 19, no. 2 (1981): 151-172, claims that Maimonides serves as the inspiration for Spinoza's linking of determinations of good and evil to the imagination and determinations of truth and falsehood to the intellect. If anything, I believe Harvey has read the connection Spinoza

draws between imagination and good/evil back into Maimonides. Here I cannot clarify the significant differences between Maimonides and Spinoza on the meaning of and relation between intellect and imagination.

11. Howard Kreisel, *Maimonides' Political Thought* (Albany: SUNY Press, 1999), ch. 2, "Practical Intellect."

Kalman Bland has followed the lead of Harvey (and Pines) in claiming that Maimonides roots knowledge of good and evil in the imagination in his article "Beauty, Maimonides, and Cultural Relativism in Medieval Jewish Thought," *Journal of Medieval and Early Modern Studies* 26, no. 1 (1996): 85-112, esp. 88n.15. I have Bland to thank for drawing my attention to the fact that Falaquera and Abravanel believed that Maimonides roots knowledge of good and evil in "practical intellect," which despite its greater breadth I take to be equivalent to prudence here ("Cultural Relativism," 107n.23). I believe Bland makes a significant mistake when he claims linking good and evil to practical intellect or to imagination is indifferent because both imply that notions of good and evil, noble and base "originate exclusively in the mental state of the imperfect human observer" ("Cultural Relativism," 91). The beliefs (*hupolepseis*) of prudence (*Nicomachean Ethics* 1140b10-20) are shaped by generally accepted opinion. But generally accepted opinion may also be shaped in turn, indirectly, by philosophy.

12. See *Guide of the Perplexed*, trans. Shlomo Pines (Chicago: University of Chicago Press, 1963). (When I use bracketed numbers I refer to the pages of the standard Munk edition, used in the revised Joel edition, *Dalâlat al-Hâ'irîn* [Jerusalem: Junovitch, 1929].) I quote Pines' translation both because it is a trustworthy translation in general and because Pines inspired Harvey's interest in the Spinoza-Maimonides connection, particularly on good and evil. As I explain in "Precursors," Pines has inspired extensive confusion of the differences between Maimonides and moderns like Spinoza and Kant in two articles: "Truth and Falsehood Versus Good and Evil. A Study in Jewish and General Philosophy in Connection with the *Guide of the Perplexed*, I, 2," in *Studies in Maimonides*, ed. Isadore Twersky (Cambridge: Harvard University Press, 1990), 95-157 and especially the highly influential "Limitations of Human Knowledge according to al-Fârâbî, Ibn Bâjja, and Maimonides," in *Studies in Medieval Jewish History and Literature*, ed. I. Twersky (Cambridge: Harvard University Press, 1979), 82-109, reprinted in *Collected Works of Shlomo Pines*, vol. 5, eds. W. Z. Harvey and Moshe Idel (Jerusalem: Magnes Press, 1997), 404-431. Bland has replicated the Kant-Maimonides connection with a Hume-Maimonides connection of his own.

13. See *Nicomachean Ethics* 1139a14.

14. Cf. Kreisel's provocative interpretation of Maimonides' reference to "mental vision" (*basira*) as the power Adam and Eve acquire after eating the fruit as an oblique reference to "practical intellect" (Kreisel, *Maimonides' Political Thought*, 73).

15. In Arabic, "it often happens . . . that a noun is qualified by the genitive of another noun, when in other languages an adjective would be employed," according to Caspari's *A Grammar of the Arabic Language*, ed. W. Wright, 3rd edition (Cambridge University Press, 1859, 1967), vol. 2, 202.

16. See my unpublished article, "Spinoza, Maimonides, and the Problem of Spiritedness," sect. 2 "True or Apparent Goods," for a more accurate interpretation of this passage. W. Z. Harvey in "Portrait," 158, and in "Ethics and Meta-Ethics, Aesthetics and Meta-Aesthetics in Maimonides," in *Maimonides and* Philosophy, eds. S. Pines and Y. Yovel (Dordrecht: Martinus Nijhoff, 1986), 131-138 argues that this passage shows Maimonides is claiming the good is simply what conforms to the purpose of each. (In the first, earlier article he draws from it the inference that Maimonides is a subjectivist. In the second article he speaks more opaquely of Maimonides as a subjectivist merely in "meta-

ethics." Although I don't fully fathom his usage of this piece of analytic philosophy, I assume he argues, as analysts do, that any claim that is not true or false must meta-ethically speaking be considered subjective.) In contrast, I think Maimonides quotes the Bible and seems to be making the relatively narrow claim that biblically the good is always understood in relation to the good of human beings, especially those who worship the one God, Israel. III 15 raises profound questions about this claim—questions that Spinoza will use later to destroy *all* notions of teleology.

17. Again see my "Precursors" for a discussion of Maimonides on final causes.

18. The *Eight Chapters* is the introduction to his commentary on the so-called Ethics of the Fathers, part of his Commentary on the Mishnah. See *Mishnah 'im Perush Rabbeinu Mosheh ben Maimon,* ed. Joseph Kafih (Jerusalem: Mossad ha-Rav Kook, 1963-1968) and the translation by Charles E. Butterworth and Raymond Weiss in *Ethical Writings of Maimonides* (New York: New York University Press, 1975).

19. See Herbert Davidson, "Maimonides' *Shemonah Peraqim* and Alfarabi's *Fusûl al-Madanî*," in *Proceedings of the American Academy for Jewish Research* 31 (1963): 33-50. Cf. the account of imagination in *Eight Chapters* ch. 2 with *Selected Aphorisms*, 7, especially the reference to imagination and nutrition in sleep—also cf. both to *Nicomachean Ethics* 1102b; Aristotle is silent on imagination in this passage. Also note that Alfarabi, though he mentions cleverness (*kais*), does not mention prudence (*ta'aqqul*) when he first gives an inventory of the intellectual virtues (*Selected Aphorisms*, 8). Furthermore, neither Maimonides nor Alfarabi indicates that his list of intellectual virtues is intended to be exhaustive. Alfarabi introduces his list of intellectual or rational virtues with "such as" (*mithl*); Maimonides with "among them" (*minha*).

20. *Ikhtiyar* is usually the medieval Arabic equivalent of the Greek *proairesis*. Cf. closely related terms for which *ikhtiyar* could conceivably be used: deliberation, *bouleusis* and less likely, voluntary, *heko,* and prudence, *phronesis.* Cf. the entry for *ikhtiyar* in Soheil M. Afnan, *A Philosophical Lexicon in Persian and Arabic* (Beirut: Dâr al-Mashriq, 1968).

21. *Nicomachean Ethics* 1113a10-13, 1139a24.

22. The closest thing in Alfarabi to the argument that imagination determines desire appears in *Political Regime*, Hyderabad ed., 41-42; L-M ed., 33. There, Alfarabi speaks of desires as emerging first in connection with sensation, then with imagination, and then with the rational part. He speaks as if appetite forms, with each of these, three different wills (*irâdât*). He does not speak in detail about how imagination and desire are combined to yield a will. He speaks of the desire that adheres (*tâba'a*) to the imagination. (Notice by the way that this vague way of relating desire and imagination fits with the possibility that Maimonides' phrase in *Guide* I 2, "desires of the imagination," should actually be treated as an objective genitive meaning "desires connected to the imagination.") Yet it must be stressed that for Alfarabi only the appetite that forms a will in conjunction with reason befits the human. The other forms of will befit animals. In each case, however, the appetite is the motive cause.

23. That Maimonides has already discussed prudence or deliberation in *Eight Chapters* ch. 1 likely accounts, in part, for his silence about it in ch. 2.

24. This division must not be confused with Aristotle's distinction between the theoretical, practical, and productive sciences. Maimonides alludes rather to the division between two kinds of rationality in the opening of *Nicomachean Ethics* VI, the *logistikon* and *epistemonikon* uses of reason (1139a5-20, esp. 13-15). The *logistikon* employment of reason includes both practical and productive uses of reason.

25. *Eight Chapters* ch. 1, paragraph 2. *Guide*, Introduction to the First Part (4a-b), II 32, and 37.

26. My account of the cause of Maimonides' silence about prudence is similar to Raymond Weiss's passing reference to one possible rationale for it. But Weiss does not acknowledge the existence of any even indirect references to prudence in the corpus, as I do. Nor does he seem to view this possible rationale as a terribly significant one. See Raymond Weiss, *Maimonides' Ethics: The Encounter of Philosophic and Religious Morality* (Chicago: University of Chicago Press, 1991), 30-32. Both Weiss and Kreisel seem to view Maimonides' silence about prudence as intended primarily to bolster the significance of theoretical intellect (Weiss, *Maimonides' Ethics*, and Kreisel, *Maimonides' Political Thought*, 91-92).

27. Jonathan Jacobs, "Aristotle and Maimonides: The Ethics of Perfection and the Perfection of Ethics," *American Catholic Philosophical Quarterly* 76, no. 1 (2002): 145-163, esp. 151.

28. Presumably, if Mosaic prophecy as the paradigmatic legislative prophecy is purely rational, it cannot be limited to the philosophic form of reason used in theoretical and practical philosophy—it must involve prudential reason to some extent. It could be limited to legislative prudence's grasp of the universals of politics—but if it did so and did not include the prudent grasp of the fitting determination of Law, the anthropomorphic imagery of the Pentateuch could not be reconciled with the purely rational character of Mosaic prophecy. (I must admit that one of the fuzziest distinctions in Aristotle's *Ethics,* if it exists at all, is between political science or philosophy and legislative prudence. That is, it is unclear how the prudent legislator's grasp of the universals of politics [*Nicomachean Ethics* 1141b16-27] should differ at all from the philosophic focus on same. Perhaps the only significant difference is a deeper understanding of the causes of the superiority of the philosophic over the political way of life.)

29. Of course, Mosaic prophecy is not supposed to involve the imagination (II 36 [80a]). The power of divination covers not only the ability to anticipate the future but also the power to go over premises and draw conclusions quickly. This last power, when properly developed, seems to be the same as an intellectual virtue closely associated with prudence, discussed elsewhere in Maimonides following Alfarabi and Aristotle, namely, brilliance or quick-wittedness (*dhakâ'*). This power is discussed in *Eight Chapters* ch. 2 and *Selected Aphorisms* 50. Its Aristotelian equivalent seems to be *eustochia* or discernment, whose status among intellectual virtues is peculiar because it does not involve (discursive) reason or *logos* at all (*Nicomachean Ethics* VI, 1142a33-b10). Although prudence as concerned with particulars involves some form of intuition (1143b1-5), it is also deliberative.

30. See Butterworth's translation in *Ethical Writings of Maimonides* (1975) based on the Efros and Türker editions. In what follows I have consulted only the Efros ed. "Maimonides' Arabic Treatise on Logic," in *Proceedings of the American Academy for Jewish Research* 34 (1966): 155ff.

31. Indeed, he might have in mind the kind of division of prudence along lines of individual, household, and city that we see in *Nicomachean Ethics* VI at 1141b30-35.

32. Compare Strauss, *Persecution*, 44 and 84.

33. For discussions of Plato's *nomoi*, see my *Metaphysics as Rhetoric* and Strauss's "Law of Reason in the *Kuzari*" in *Persecution*.

34. In this connection, Maimonides' critique of the *mutakallimûn* is instructive. As a result of their confusion of the intellect with the imagination, mentioned above, they draw the false inference that anything they can imagine is possible. In expanding the possible beyond all limits, they destroy the "nature of existence" (I 71). The intellect recognizes the nature of existence and the limits it entails. The imagination does not. Similarly, in relation to the appetites, imagination recognizes no limits on acceptable quantities and

kinds of objects. Although Maimonides does not mention imagination explicitly in his analysis of self-inflicted evil, he does mention the proclivity of human desire or appetite to stray beyond all limits (III 12 [20b]).

In offering ways and means of fulfillment to appetite, the imagination is akin to the lower and better recognized task of prudence, i.e., the choice of means (*Nicomachean Ethics* 1112b13-21, 1140a25-b5). Of course, there is no reasoning or deliberative process or choice involved in the flowing of imagination. Furthermore, imagination has no apparent connection to the higher task of prudence, i.e., maintaining or "containing" the beliefs (*hupolepseis*) or opinions (*doxa*) (1140b11-30) (= *ra'y* in Maimonides *Eight Chapters* ch. 1) or universals (*Nicomachean Ethics* 1110b33, 1147a25ff.) that orient the actor toward ethical virtue. I use "universal" here with the Aristotelian caveat in mind that such universal statements are highly imprecise (1104a8). That imprecision is only intensified by the flexibility that should characterize prudence or deliberation's selection of the means appropriate to all of the relevant particulars (1106b20-23, 1109a28-31, 1111a1ff.).

35. For just such a usage of imagination, see *Guide* III 12 (21b-22a): "As for the fact that one individual possesses many sachets and clothes adorned with gold whereas another lacks these superfluities of life, there is not injustice and no inequity in this. He who has obtained these luxuries has not gained thereby an increment in his substance. He has only obtained a false [or deceitful] imagining [*khayâl kâdhib*] or a plaything."

Although Warren Zev Harvey uses a passage from the *Political Regime* to show that *Alfarabi*, like Maimonides, views the imagination as the determiner of desires. I believe, when properly understood, it confirms the view that the imagination can merely offer misleading means to the fulfillment of base desires. See "Portrait," 155-161, esp. 157n.27, where Harvey cites *Political Regime*, Ralph Lerner and Muhsin Mahdi, eds., *Medieval Political Philosophy* (Ithaca: Cornell University Press, 1963), 41 (=Hyderabad ed., 56-57). There Alfarabi says, "Most men who strive for happiness, follow after an imagined, not a cognized, form of happiness." He goes on to suggest that one can understand different regimes according to the extent they imitate the wise man's cognition of true happiness in the virtuous city. Those imitations or images approximate more or less closely to the truth. The imagination may conjure up a certain vision of happiness. Yet in doing so, it merely provides the means of fulfilling bodily desire (Aristotelian *epithumia*) rather than rational desire or wish (*boulêsis*). See Aristotle, *On the Soul* III 10-11, esp. 433a18-26 and 434a7-16. The imagination cannot be the key to the determination of good and evil in the best case for Alfarabi or Maimonides.

36. *Nicomachean Ethics* 1129b15-33

37. *Nicomachean Ethics* 1144a35, b30; Alfarabi, *Selected Aphorisms* 51

38. *Nicomachean Ethics* 1179b8-16.

39. See *Alfarabi's Perfect State*, ed. and tr. Richard Walzer (Oxford: Clarendon, 1985), 57.

40. The reader will forgive my reference to the Bible rather than the *Qur'ân*. It is dictated by the fact that the latter is organized not according to a narrative order but the length of its components. Comparison with the broad structure of Thomas Aquinas's *Summa theologiae* conveys the same impression as reference to the Bible does. Revealed religion begins with the fundamental presupposition, the Creator—whose character is testified to by His starting point, creation.

41. See *The Book of Knowledge* (Sefer ha-Mada'), ed. and tr. Moses Hyamson (Jerusalem: Boys Town Press, 1962).

42. I must agree with Pines' claim that *mashhûrât* is the Arabic equivalent to *endoxa*, not *mahmûdât* (praiseworthy) as Deborah Black has suggested. Compare Pines trans., *Guide*, 24n.7 with Black, *Logic and Aristotle's "Rhetoric" and "Poetics" in Me-*

dieval Arabic Philosophy (Leiden: Brill, 1990), 139, cited in Bland, "Cultural Relativism," 90nn.10, 20. Even some of Black's own arguments in the following pages seem to suggest that *mashhûrât* is the more comparable term. Bland adds confusion by treating *mashhûrât* as if it could be translated either as "generally accepted things" or "conventional" things. This facilitates his argument that Maimonides is a more extreme subjectivist than Hume ("Cultural Relativism," 90 and 93)!

43. *Nicomachean Ethics* 1095b23-1096a6, 1141a15-b2, 1177a13-1179a33.

44. On the Jewish attitude toward philosophy, consider Leo Strauss, *Persecution*, 19-20. Also see note 27 above.

45. Although the eternity and universality of the propositions one makes are crucial for the certainty of a science, it is not clear what, besides mathematics, can meet this standard. It is clear that this is the standard Aristotle established in his *Posterior Analytics* 75b23ff. It is also clear that metaphysics or divine science, if it could be perfected would be the model of such a science. (See Alfarabi, *Philosophy of Aristotle*, sect. 7, Hyderabad ed., 75 ll. 17-25.) Yet even Aristotle claims merely that metaphysics is the most precise (*akribestatai*) science (*Metaphysics* 1.2). Yet what he means by precise is explained solely with reference to its small number of principles. Precision is not equivalent to certainty (Ar. *yaqîn,* Gr. *bebaios*). I do not know of anything in metaphysics Aristotle attaches certainty to other than the principle of non-contradiction (1005b12). Cf. his willingness to settle for mere belief (*hupolabein*) at the cosmological peak of the *Metaphysics* (12.8, 1073b13 and 1074a25).

46. It almost goes without saying, Aristotle was as aware of the existence of monsters as thinkers like Descartes. Of course, Aristotle and Descartes parted ways on the proper inferences to be drawn from their existence. For Descartes' departure from Aristotelian teleology in connection with monsters, see *Meditation* 6 (Adam-Tannery VII 77, 84-85).

47. Although Aristotle locates the precision (*akribês*) of ethics or political science between mathematics and rhetoric (*Nicomachean Ethics* 1094b12-28, 1098a28-b5, 1103b27-1104a11), it is by no means obvious that physics and metaphysics are precise in the sense mathematics is. Cf. *Metaphysics* 982a25-30 with 995a5-21. Metaphysics may be more precise than politics because metaphysics focuses on the fewest principles, even the fewest causes. Certainly political philosophy is far more attentive to facts (*erga*), as opposed to causes, than is metaphysics (cf. *Nicomachean Ethics* 1098b with *Metaphysics* 980b23, 981a15-29, 1072a23, and 1073b13).

48. Compare Aristotle, *Metaphysics* 10.1 with Descartes, *Passions of the Soul*, Epistolary preface (Adam-Tannery VI, 315).

49. Bland has done this. There is some evidence for it in W. Z. Harvey "Ethics and Meta-Ethics," 131, 134-135. Based on the famous passage from *Eight Chapters* ch. 5, Harvey draws the inference that aesthetic beauty should be employed as need be for a relief from labor. (Cf. *Nicomachean Ethics* 1176b25-35.) Does Maimonides really believe that all senses of good are as subject to the needs of the individual in his pursuit of perfection as the aesthetic needs of the rare individual who needs a breather from exertion? Presumably Bland and Harvey would admit he does not. Yet if all senses of good and noble are treated in the same way ("Ethics and Meta-Ethics," 131), how could we distinguish those in which conformity is required and those in which it is not? Cf. *Guide* II 40 and III 34.

50. Bland follows out the logic of his aesthetic analysis of the *hasan* and *qabîh* in the Garden by translating the reference to them as being *mashhûrât* as "*conventions*, generally accepted things" ("Cultural Relativism," 90).

51. When Bland (and Harvey?) insinuates all non-theoretical matters are merely conventions, he returns Maimonides to a Presocratic view of nature (*phusis*) and convention (*nomos*). If this were the case, why doesn't Maimonides adopt the approach of either the Presocratic natural philosophers (*phusikologoi*) or the rhetoricians—either neglect human affairs or equate *logos* with force? Maimonides' views of the relation between human nature and human conventions are not any more or any less muddy than those of Aristotle. See *Nicomachean Ethics* 1103a24-b7 and 1104b29-b10. According to both Plato and Aristotle, this very muddiness may be the hallmark of the most distinctively human inquiry (*Phaedrus* 263a-c, *Politics* 1253a8-18).

52. Compare wider context of the passage from *Eight Chapters* ch. 5, where Maimonides stresses the need to give the useful (or good) precedence over the pleasing, with Plato, *Republic* 452d-e and its wider context beginning at 452a8. Although the pleasing is not merely synonymous with the beautiful, I alluded earlier to the obvious connection between them when I noted the wider appeal of the ethically virtuous as compared with the philosophic life.

If this general tendency to privilege the good over the beautiful is all Harvey means when he speaks of Maimonides as a utilitarian ("Ethics and Meta-Ethics," 134), I'll grant him that. If so, though, that is, if utilitarianism is used loosely enough that it extends to Plato and Aristotle, then why single out Maimonides as someone who enables us to clarify our "values" ("Ethics and Meta-Ethics," 132)?

53. Both Kreisel and Weiss seem to take it for granted that Maimonides' asceticism is meant in earnest. Weiss finds the same asceticism throughout all of Maimonides. They both cite other important representatives of the secondary literature. See respectively *Maimonides' Political Teaching*, 175-182 and 186-187, and *Maimonides' Ethics*, 174-175. Contrast the account of Strauss, *Persecution*, 75-76, which implies that asceticism though frequently expressed in the *Guide* is not the only view expressed there.

54. Above all, Strauss has highlighted this issue. See not "Literary Character" but "The Law of Reason in the *Kuzari*" in *Persecution*, 96-98, esp. 97n.6, 132-133n.120, 135-141 for his frequent elaboration of the essential point of *Eight Chapters* ch. 6. Of course, this serves as the basis for his especially strong stress on the difference between the moral way of life and the philosophic way of life. Also see his "A Giving of Accounts" with Jacob Klein in *Jewish Philosophy and the Crisis of Modernity*, ed. Kenneth Hart Green (Albany: SUNY Press, 1997), 457-466. Cf. David Novak, *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1998), chs. 4-5.

55. Strauss, *Persecution*, 11

56. I refer, of course, to the contrast between commandments that are called *mishpatim* (judgments) and *huqqim* (traditional laws) in *Eight Chapters* ch. 6 and *Guide* III 26. *Huqqim* are extremely close to what Aristotle refers to by merely conventionally just things, cf. *Nicomachean Ethics* 1134b18-25 with *Guide* III 26 (58a-b). To avoid jeopardizing obedience even to *huqqim*, like mixing of fabrics, not to mention those restricting illicit sexual relations, Maimonides avoids discussing how arbitrary the determination of various *huqqim* are and instead discusses the arbitrariness in the specifications of various sacrifices, obedience to which has been, at least temporarily, suspended.

57. The very variability in the kinds of sexual relations deemed illicit from one society to another has contributed mightily to the tendency of postmodernists to dismiss the distinction between nature and convention altogether (see, for example, Jacques Derrida, "Structure Sign and Play," in *Writing and Difference* [Chicago: University of Chicago Press, 1978], 238)! I can hardly imagine a thinker more troubled by the tendency to treat everything human as merely conventional than Strauss. Presumably, he would not resist making these kinds of finely grained distinctions.

Although these commandments are merely *huqqim*, according to Maimonides, one could hardly underestimate their centrality in Judaism and society. For their centrality in Judaism, consider that Jews read the portion of the Bible devoted to these sexual relations on the holiest day of the year. Without them, what would today be called the "patriarchal" family would surely be undermined. Continued obedience to the Law is supported greatly by obedience to fathers. For the centrality of these commandments in society as society, consider *Guide* III 49 (115b-116a).

58. See note 12 above.

59. *Nicomachean Ethics* 1094b1-11.

60. *Nicomachean Ethics* 1178b32; *Metaphysics* A.2.

61. Cf. *Nicomachean Ethics* 1094a1-7, 1096b13-20, 1129b27-30a10 with 1130b23-29, 1168a29-1170b18, and 1177b18-23. For some of the disturbing implications of the fact that ethics as a part of politics is viewed as instrumental by ancient and medieval philosophers in general, consider Strauss's analysis of the *Kuzari* in *Persecution*, 139-140 and of Alfarabi's *Philosophy of Plato* in "Farabi's Plato," in Louis Ginzberg Jubilee Volume, (New York: American Academy for Jewish Research, 1945), 388-389. (For a similar line of argument in Aristotle, see *Nicomachean Ethics* 1130b18-30 and *Politics* 1276b30-35.) As disturbing as those implications may be, they do not imply practical matters are based merely on the imagination.

62. For evidence of the connection between hierarchy and instrumentalization consider *Guide* III 27. Note Maimonides' use of the label most "noble"—a term some authors would prefer to treat as merely subjective to characterize the superior rank of theoretical activity. Matters of governance are most directly connected to the body. Bodily necessities are just that, necessary. But as such they are merely means to higher activities.

63. *Nicomachean Ethics* 1112b12-20.

64. *Nicomachean Ethics* 1098b, 1103b27-1104a4, 1105a25-b5.

65. *Nicomachean Ethics* 1141b22-28; *Guide* I 72 (102b-104a). This striking discussion of hylic intellect in *Guide* I 72 is perhaps the closest Maimonides ever comes to naming prudence as the power that governs human affairs in the best case. For evidence that this account is meant in earnest, see the end of I 71.

66. See notes 12 and 35, above on the higher task of prudence.

67. *Guide* I 71ff., *Eight Chapters* ch. 1

68. *Eight Chapters* ch. 2

69. The reader should contrast this highly Aristotelian view of intellect and imagination with Spinoza's. See note 11, above. Spinoza's reduction of all expressions of mind to *conatus* (*Ethics* part 3, props. 7-9), based either on common notions or the misleading common order of nature (*Ethics* part 2, prop. 29 cor.; part 2, prop. 38 cor.; part 2, prop. 40 s. 1 and 2). He does not separate appetite from imaginative *conatus*, as Maimonides separates appetite from imagination (*Ethics* part 3, prop. 9 s.). Though both Maimonides and Spinoza condemn imagination, they do so for altogether different reasons.

70. *Guide* II 32.

71. See *Al-Fârâbî's The Political Regime,* ed. Fauzi M. Najjar (Beirut, 1964), 55-56 with Hyderabad edition pages in the margins, and Najjar's translation in *Medieval Political Philosophy*, eds., Ralph Lerner and Muhsin Mahdi (Ithaca: Cornell University Press, 1963), 40-41.

72. Strauss, "Restatement of Xenophon's *Hiero*," in *What is Political Philosophy?* (Chicago: University of Chicago Press, 1959), 126-127. Cf. Strauss on the philosopher's withdrawal from society even while appearing to live very much "in" society (*Persecution*, 117).

73. Strauss, *Persecution*, 114.